

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

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IN RE MICROSOFT CORP.  
ANTITRUST LITIGATION.

MDL Docket No. 1332

Hon. J. Frederick Motz

This Document relates to:

*Burst.com, Inc. v.*  
*Microsoft Corp.,*

Civil Action No JFM-02-cv-2952

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**BURST.COM, INC.'S RENEWED MOTION TO COMPEL THE PRODUCTION OF  
CERTAIN E-MAILS AND TESTIMONY REGARDING E-MAIL BACKUP TAPES  
AND CERTIFICATE OF CONFERENCE**

Pursuant to Local Rules 104.8(c), Burst.com, Inc. herewith files the parties' briefing on Burst.com's Renewed Motion to Compel on E-mail Gaps and certification of a conference of counsel as required by Local Rule 104.7. See Exhibits A-C. The parties conducted numerous conferences addressing the issues raised in the motion. Through those conferences, the parties resolved the first of the two issues presented, specifically, Burst's request that Microsoft expand its retrieval and review of e-mail server backup tapes to produce missing e-mails. Microsoft has agreed to do so.

The sole issue remaining for the Court's consideration involves Microsoft's refusal to produce a 30(b)(6) witness to testify concerning Microsoft's decision to exclude e-mails from its document backup processes, as set forth in the attached briefing.

DATED: December 15, 2003

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